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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,104	01/20/2004	Takashi Ono	02410288US	6952
7055	7590	09/01/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			KRAMER, DEVON C	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/759,104

Applicant(s)

ONO, TAKASHI

Examiner

Devon C. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

- 1) Claims 17 are objected to because of the following informalities:

Claim 17 line 6, "the disc radial direction" should be --a disc radial direction--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

- 2) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 3) Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al (5947233).

In re claims 1, 12 and 18, Kobayashi et al provides a disc brake for a vehicle comprising: a caliper bracket (2) fixed to a vehicle body; a pair of caliper support arms (3) striding an outer periphery of a disc rotor (1) in a disc axial direction, pad guide grooves (3B) formed in the caliper support arms so as to be opposed to each other (figure 1); friction pads (8) disposed on both sides of the disc rotor, the friction pads having ears (9A) projected from both side portions of a back plate thereof, and pad retainers (11, 12) disposed on the pad guide grooves, the ears of the friction pads being movably supported by the pad guide

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grooves via and between receiving portions of the pad retainers; wherein pad retainers each has pad returning portions for urging the friction pads away from the disc rotor, the pad returning portions in contact with the ear of the friction pads so as to urge the friction pads away from the disc rotor. (Abstract)

In re claims 2-3, 5-8, 11, 13-17 and 19-20, Kobayashi et al provides an elastic loop portion 13b.

In re claim 4, the grooves of Kobayashi et al can be considered to be formed by bracket-shaped grooves.

In re claim 9-10, see figure 4.

4) Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 56-129624.

IN re claims 1, 12 and 18, the reference provides a disc brake for a vehicle comprising: a caliper bracket (16) fixed to a vehicle body; a pair of caliper support arms (4) striding an outer periphery of a disc rotor (2) in a disc axial direction, pad guide grooves formed in the caliper support arms so as to be opposed to each other; friction pads (8) disposed on both sides of the disc rotor, the friction pads having ears (8c) projected from both side portions of a back plate thereof, and pad retainers (101) disposed on the pad guide grooves, the ears of the friction pads being movably supported by the pad guide grooves via the pad retainers; wherein pad retainers each has pad returning portions for urging the friction pads away from the disc rotor the pad returning portions in contact with the ear of the friction pads so as to urge the friction pads away from the disc

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rotor.. Please note that the members 101 of the reference will provide a bias force away from the disc.

In re claims 2-3, 5-8, 13-14, 16-17 and 19-20, see element 103 and the end of 101. Please note that element 101 can be considered to have some curvature.

In re claim 4, the grooves in the reference can be considered to be formed by bracket-shaped grooves.

In re claims 9-11, 15, note that the retainer holds the pad in place, the loop portion contribute to this function.

### ***Response to Arguments***

5) Applicant's arguments filed 7/5/05 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the present invention is capable of preventing friction pads from falling off a caliper bracket during assembly and the features recited on page 11 of applicants arguments) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that in Kobayashi, it is doubtful if the return spring in such a manner as recited in the present invention. Please note that applicant provides no clear evidence to support this statement and this function is clearly performed by the invention of Kobayashi according to the disclosure.

Applicant further states that the Japanese reference does not provide a receiving portion of the pad retainer so as to support the friction pad. Please note that the retainers (101) supports and biases the ears of the pads. Please note that applicant has not recited how the newly added claims are patentable over the current references as required by MPEP 714.02, but the examiner has examined the application to expedite the prosecution.

***Conclusion***

**6) THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**7)** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C. Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DK

Devon C Kramer  
Examiner  
Art Unit 3683

*Devon Kramer*  
8/29/05  
DEVON C. KRAMER  
PATENT EXAMINER